Google Inc. et al v. Egger et al Doc. 139

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re: NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION	MDL Dkt. No. 06-1791-VRW **STIPULATION AND [PROPOSED] ORDER DEFERRING RESPONSES TO CONSOLIDATED COMPLAINTS**
This Document Relates To: All Consolidated Complaints	[Civil L.R. 6-2, 7-1(5), 7-12] Courtroom: 6, 17th Floor Judge: Hon. Vaughn R. Walker

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RECITALS

A. On November 17, 2006, this Court held an MDL Case Management Conference where, *inter alia*, the Court ordered Plaintiffs to file master consolidated complaints against various defendant groups. The Court, however, did not order responses to the consolidated complaints.

B. On January 16, 2007, Plaintiffs filed five consolidated complaints against several defendant groups. The first consolidated complaint (Dkt. 121) names as defendants AT&T Mobility LLC (formerly known as Cingular Wireless LLC); New Cingular Wireless Services, Inc.; and Cingular Wireless Corporation (collectively, "Cingular Defendants"). The second consolidated complaint (Dkt. 122) names as defendants TransWorld Network Corp. ("TransWorld"); Comcast Telecommunications, Inc. ("Comcast"); T-Mobile USA, Inc. ("T-Mobile"); and McLeodUSA Telecommunications Services, Inc. ("McLeod"). The third consolidated complaint (Dkt. 123) names as defendants Sprint Nextel Corporation; Sprint Communications Co. Ltd. Partnership; Nextel Communications, Inc.; Embarq Corporation; UCOM, Inc.; U.S. Telecom, Inc.; and Utelcom, Inc. (collectively, "Sprint Defendants"). The fourth consolidated complaint (Dkt. 124) names as defendants MCI Communications Services, Inc.; MCI, LLC; and Verizon Communications Inc. (and several subsidiaries of Verizon Communications Inc.) (collectively, "Verizon Defendants"). The fifth consolidated complaint (Dkt. 125) names as defendants BellSouth Communications, LLC; BellSouth Corp.; BellSouth Telecommunications, Inc. and AT&T Southeast (formerly known as BellSouth Corporation) (collectively, "BellSouth Defendants"). The Cingular Defendants, Comcast, Sprint Defendants, Verizon Defendants, and BellSouth Defendants are collectively referred to as the "Consolidated Defendants."[1]

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[1] As stated in the Joint Case Management Statement in this MDL, "[p]ursuant to an agreement with the Plaintiffs in the *Dubois* case, Defendant Trans World Network Corp. has not responded to the complaint in *Dubois*, and counsel for Trans World has not entered an appearance in that case or in this proceeding." MDL Dkt. 61, at 3 n.7. As such, Trans World is not a party to this Stipulation. It is the understanding of Consolidated Defendants that Plaintiffs will soon be filing a notice of dismissal of Defendant McLeod from the second Consolidated Complaint.

C. Plaintiffs and Consolidated Defendants seek to clarify when the Consolidated Defendants must file responses to the consolidated complaints, and wish to address the matter at the hearing currently scheduled for February 9, 2007.

D. In furtherance of judicial economy, Plaintiffs and the Consolidated Defendants agree that the Consolidated Defendants need not file responses to any of the complaints before the Court clarifies when such responses will be due.

STIPULATION

Plaintiffs and the Consolidated Defendants hereby stipulate as follows:

1. At the hearing on the United States' motion for stay, currently scheduled for February 9, 2007, the parties will seek direction from the Court regarding when the Consolidated Defendants must respond to any of the complaints.

2. The Consolidated Defendants need not respond to any of the complaints until the Court sets a date for such responses.

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DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, BRUCE A. ERICSON, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on January 30, 2007, at San Francisco, California.

/s/ Marc H. Axelbaum

Dated: January 30, 2007.

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By *_/s/ Christopher L. Soriano_*
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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court orders the following:

1. At the hearing on the United States' motion for stay, currently scheduled for February 9, 2007, the Court will address when Defendants must respond to the complaints filed against them.

2. No Defendants need respond to any complaints until the Court sets a date such a response.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: January __, 2007.

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Hon. Vaughn R. Walker
United States District Chief Judge